

Permitting & Assistance Branch Staff Report
Solid Waste Facilities Permit Modification for Sunset Waste Paper Material Recovery
Facility and Transfer Station
SWIS No. 10-AA-0188
February 13, 2012

Background Information, Analysis, and Findings:

This report was developed in response to the Fresno County Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed Modified Solid Waste Facilities Permit (SWFP) for Solid Waste Facilities Permit Modification for Sunset Waste Paper Material Recovery Facility and Transfer Station, located in Fresno County, owned and operated by Sunset Waste Paper Holdings LLC. The report contains Permitting and Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on January 9, 2012. Action must be taken on this permit no later than March 9, 2012. If no action is taken by March 9, 2012, the Department will be deemed to have concurred with the issuance of the proposed modified permit.

Proposed Changes

The following changes **in bold** to the permit are being proposed:

	Current Permit (2003) 10-AA-0188	Proposed Modified Permit 10-AA-0188
12. Legal Description of Facility	The legal description of this facility is referred to as 328-240-40 on the Fresno County Assessors Parcel Map.	The legal description of this facility is contained in page 1 of the Transfer Processing Report dated November 2011. The physical location for this facility is referred to as APN 328-24040 on the Fresno County Assessors Parcel Map.
13. Findings	e. A CEQA document, A Mitigated Negative Declaration was filed with the State Clearinghouse (SCH #2002061070) and certified by the City of Fresno Development Department, Planning Division on September 16, 2002. The Mitigated Negative Declaration describes and supports the design and operation which will be authorized by the issuance of this permit. A Notice of Determination was filed with the State Clearinghouse on September 27, 2002.	e. A CEQA Document, A Mitigated Negative Declaration was filed with the State Clearinghouse (SCH #2010071024) and certified by the City of Fresno Development Department, Planning Division on July 2, 2010. The Mitigated Negative Declaration describes and supports the design and operation, which will be authorized by the issuance of this permit. A Notice of Determination was filed with the Fresno County Clerks office on September 16, 2011 (E2010100000211).
14. Prohibitions	The permittee is prohibited from accepting the following wastes: Hazardous, radioactive, medical (as defined in Chapter 6.1, Division 20 of the health and Safety Code), liquid, designated, or other wastes requiring special treatment or handling, except as approved by the enforcement agency and other federal, state, and local agencies. The permittee is additionally	The permittee is prohibited from accepting the following wastes: hazardous, radioactive, medical (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid, designated, or other wastes requiring special treatment or handling, except as identified in the Report of Facility Information and approved amendments thereto and as approved by the enforcement agency and other federal, state, and local agencies.

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	prohibited from open burning and public scavenging.	
15. The following documents describe and/or restrict the operation of this facility:	<p>Land Use and/or Conditional Use Permit (9/16/02)</p> <p>Transfer Processing Report (9/2/02)</p> <p>Mitigation Negative Declaration/NOD SCH No. 2002061070 (9/27/02)</p> <p>Local Task Force Recommendation (9/12/02)</p> <p>Report of Disposal Site Information Amendments (N/A)</p> <p>Waste Discharge Requirements (N/A)</p> <p>APCD Permit to Operate (N/A)</p> <p>Closure Financial Assurance Documentation (N/A)</p> <p>Operating Liability Certification (N/A)</p>	<p>Conditional Use Permit Resolution No. C-10-028 (7/2/10)</p> <p>Transfer Processing Report (11/2011)</p> <p>Mitigation Negative Declaration SCH No. 2010071024 (7/2/10)</p> <p>Notice of Determination, E2010100000211 (9/16/11)</p> <p>City of Fresno Planning Commission Resolution Approval #13084 (2/16/11)</p>
16. Self Monitoring	<p>The owner/operator shall submit the results of all self monitoring programs to the Enforcement Agency within 15 days of the end of the reporting period (for example, 1st quarter = January - March, the report is due by April 15, etc.. Information required on an annual basis shall be submitted with the 4th quarter monitoring report, unless otherwise stated.)</p> <p>1. Daily Weight/Volume Records showing the amount of refuse received in tons per day. (Monthly)</p> <p>2. Log and report all written complaints regarding the facility and operator's action taken in response to the complaint. (Monthly)</p> <p>3. Log and report all unscheduled shutdowns. (Monthly)</p> <p>4. Logs and reports of special occurrences, i.e. accidents, injuries,</p>	<p>The owner/operator shall submit the results of all self monitoring programs to the Enforcement Agency within 30 days of the end of the reporting period (for example, 1st quarter = January – March, the report is due by April 30, etc.. Information required on an annual basis shall be submitted with the 4th quarter monitoring report, unless otherwise stated.)</p> <p>a. The types and quantities (in tons) of waste, including separated or commingled recyclables, entering and exiting the facility per day. (Quarterly)</p> <p>b. The number and types of vehicles using the facility per day. (Quarterly)</p> <p>c. Calculate monthly waste transferred to the landfill for disposal each day. (Quarterly)</p> <p>d. Copies of all complaints regarding this facility and the operator's actions taken to resolve these complaints. *</p>

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	<p>fires, explosions, hazardous waste incidents, public nuisance incidents, etc. - and the operator's action in response to the event. (Quarterly)</p> <p>5. Daily and monthly total of the number of vehicles utilizing the facility. (Quarterly)</p> <p>6. Logs and reports of all employee and customer injuries. (Quarterly)</p> <p>7. Application for revision of Solid Waste Facility Permit. (150 days prior to making changes)</p> <p>8. An employee training log with dates of training and topic description. This shall be maintained and kept current. (Quarterly)</p> <p>9. Report the results of daily random waste load checks. (Quarterly)</p> <p>10. Calculate monthly the quantity of waste transferred to the landfill for disposal each day. (Quarterly)</p>	<p>e. Log and reports of special occurrences: accidents, fires, explosions, public nuisance incidents and the operator's actions in response to the event. *</p> <p>f. Employee training log with dates of training and topic description- Maintained and checked on site. *</p> <p>g. Results of the hazardous waste load checking program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials. *</p> <p>h. Logs and reports of all employee and customer injuries. *</p> <p>* All records will be maintained on site for LEA monthly review</p>
17. Enforcement Agency Conditions	<p>a. This facility shall with all federal, state and local requirements and enactment's, including all mitigation measures given in any certified environmental document filed pursuant to Public Resources Code, Section 21081.6. (Deleted in new permit)</p> <p>b. This facility shall comply with all applicable State Minimum Standards for Solid Waste Handling and Disposal.</p> <p>c. The operator shall maintain copies of this permit and all permits issued by other agencies at the facility, and make these available to facility personnel and all responsible agencies during normal office hours.</p> <p>d. The operator shall comply with all applicable laws pertaining to employee health and safety. The operator shall maintain a written CAL-OSHA Injury and Illness Prevention</p>	<p>a. The operator shall maintain both the Solid Waste Facility Permit (SWFP) and the Transfer Processing Report (TPR) at the facility at all times, and make these documents available to facility personnel and all responsible agencies during business hours.</p> <p>b. This permit is subject to review by the EA and may be suspended, revoked, or revised at any time for sufficient cause or when deemed necessary due to an emergency, potential health hazard or the creation of a public nuisance.</p> <p>c. Additional information concerning the design and operation of the facility shall be furnished upon request and within the time frame specified by the EA.</p> <p>d. The operator shall maintain at the facility, accurate daily records of the incoming and outgoing tonnages and the number of vehicle</p>

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	<p>Program (IIPP), which is readily available to all facility employees and the LEA or other regulatory agencies. (Deleted in new permit)</p> <p>e. No composting shall occur at this facility.</p> <p>f. The operator shall comply with all Notices and Orders issued by any authorized regulatory agency. (Deleted in new permit (g.))</p> <p>g. Any additional information the LEA deems necessary to permit and inspect this facility shall be provided by the operator.</p> <p>h. Solid waste shall not remain on site for more than 48 hours.</p> <p>i. Recyclable materials shall not remain on site for more than 90 days.</p> <p>j. The operator shall maintain at the facility, accurate daily records of the tonnage and number of vehicles per following category: incoming waste, outgoing waste, and outgoing recovered material. Records shall be readily accessible to the LEA and other regulatory personnel.</p> <p>k. The operator shall maintain a log special occurrence at the facility. The log shall include, at a minimum: fires, explosions, any incidents including hazardous or prohibited wastes, any significant accidents and/or injuries, any conditions or accidents that forces the facility to close. Each log entry shall include an account of the actions taken by the operator to mitigate the special occurrence. The LEA shall be notified immediately if any of these events occur.</p> <p>m. The facility shall be cleaned of accumulated litter at least daily. Litter shall be collected more frequently as necessary to prevent litter from migrating off site.</p>	<p>trips, a record of at least daily load checks, and shall have these records accessible to the LEA and other regulatory personnel.</p> <p>e. The operator shall maintain a log of special occurrences at the facility. The log shall include, at a minimum, fires, explosions, any incidents including hazardous or prohibited wastes, any significant accidents and/or injuries, any conditions or incidents that forces the facility to close. Each log entry shall include an account or summary of the actions taken by the operator to mitigate the special occurrence. The log shall be available to site personnel and the LEA at all times. The LEA shall be notified immediately if any of these events occur.</p> <p>f. Records of employee training for health and safety, in the operations and maintenance of the site shall be maintained on site and available for inspection by the LEA and other regulatory agencies</p> <p>g. The Injury, Illness, and Prevention Program (IIPP) shall be available for review by local and state inspectors during normal business hours.</p> <p>h. The maximum permitted daily tonnage for this facility is 2,000 tons per day and shall not receive more than this amount without a revision of this permit, with the exception of an emergency waiver/declaration by State or local authorities.</p> <p>i. Composting is prohibited at the facility. Processed and unprocessed green material shall be removed from the facility within 48 hours of receipt.</p> <p>j. Municipal Solid Waste (MSW) shall be removed from the facility within 48 hours of receipt. MSW must be deposited and stored inside the transfer station building.</p> <p>k. All recyclable materials shall be stored in a neat and orderly manner such as not</p>

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	<p>n. The LEA reserves the right to suspend or modify waste-receiving operations when deemed necessary due to an emergency, a potential health hazard or the creation of a public nuisance.</p> <p>o. Accepted tons per day of solid waste shall be recorded on a daily basis and calculated on a weekly basis.</p> <p>p. This facility shall comply with all conditional permits. (Deleted in new permit.)</p> <p>q. A copy of this permit and the Transfer Processing Report shall be maintained at the facility.</p>	<p>to generate litter, harbor vectors or create a nuisance. Recyclable materials shall not remain onsite for more than 90 days.</p> <p>m. If the operator wishes to change the design or operation of the solid waste facility in a manner that is not authorized by the existing permit, the operator shall file an application for revision of the existing solid waste facilities permit with the enforcement agency. The application shall be filed at least 180 days in advance to the date when the proposed modification is to take place.</p>

Findings:

All of the submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings are summarized in the table below. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Division.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated December 23, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on December 2, 2011, and provided a copy to the Department on January 9, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facilities Permit	CalRecycle received a proposed Modified Solid Waste Facilities Permit on January 9, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA, in their permit submittal package received on January 9, 2012, provided a finding that the facility is consistent with PRC 50001 and; Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the County Non-Disposal Facility Element, as described in the memorandum dated January 19, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on January 25, 2012. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on January 9, 2012, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	The LEA posted a public notice dated December 5, 2011. No oral or written comments were received by the LEA or Department staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project, a proposed Modified Solid Waste Facilities Permit. Permits staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility was inspected by WEEB staff in the Inspections and Enforcement Agency Compliance Unit on January 25, 2012. No violations were observed.

Following are the details of the transfer station's compliance history based on the LEA's monthly inspection reports during the last five years.

In October and November of 2011, the LEA noted two violations of PRC 44014(b) - Operator Complies with Terms and Conditions of Permit for placing waste outside of the permitted boundary for waste storage. The violations were corrected to the satisfaction of the LEA.

No violations were noted by the LEA during 2007-2010.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Modified SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Fresno, Development Department, Planning Division, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

Sunset Waste Paper Material Recovery Facility and Transfer Station currently operates under a SWFP issued by the LEA on (add date.) The proposed Modified SWFP under consideration is to allow the following activities; (1) add recyclables storage in bunkers, bins, roll-off containers, bales and in bulk inside the building, as well as outside the building under and just south of the south canopy, along the

exterior north wall of the transfer station, along the east fence, and along the east side of the MRF; (2) add chipping and grinding of green material and wood waste processing inside the transfer station building; and (3) add mechanical sorting inside the transfer station building of construction and demolition material and MSW. The permit is also being updated to reflect current dates of supporting documents. The project does not include an increase in design capacity, traffic volume, operating hours or maximum daily tonnage.

The City of Fresno Development Department, Planning Division, acting as Lead Agency, developed an Initial Study and Mitigated Negative Declaration (MND) (SCH#2010071024) for the project, which was adopted by the Fresno City Council on July 2, 2010. The environmental analysis in the Initial Study and the MND is tiered from Master Environmental Impact Report No. 10130 (SCH: 2001071097) dated November 19, 2002. A Notice of Determination was filed with the Fresno County Clerk's Office on September 16, 2011 (E2010100000211).

The LEA has provided a finding that the proposed Modified SWFP is consistent and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental document prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of the Lead Agency for its consideration of the Permit.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Master EIR certified by the lead agency, and the Initial Study and Mitigated Negative Declaration prepared by the City of Fresno and approved by the LEA for the CalRecycle concurrence, and the LEA's approval of the project. Other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP are included in the administrative record. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Local Issues:

According to the 2010 census, the population of Census Tract 10 indicates that the surrounding population is approximately 23.9% white, 29.7% black or African American, 2.2% American Indian and Alaska Native, 0.3% Native Hawaiian and Other Pacific Islander, 14.3% Asian, 3.4% two or more races and 26.2% some other race. Of the total population in the Census Tract, 52.7% identify themselves as Hispanic or Latino. The median household income is \$22,639 and 37.8% of the families are below the poverty line. Staff has not identified any current environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Noticing and Comments:

On December 5, 2011, the LEA provided a notice consistent with SWFP requirements. The LEA did not receive any comments from the posted public notice. No oral or written or public comments were received by the LEA or Department staff.

Department Staff Actions:

Staff responded to questions from the LEA regarding the permit process. The Department provided an opportunity for public comment during the Monthly Public Meeting on January 18, 2012.